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REMARKS

The undersigned acknowledges the courteous treatment received during the course of a personal interview held on this date with the Examiner in charge of this application, at which time the undersigned pointed out how the proposed amendment of the claims would distinguish over the references cited in the last Office Action.

It is noted that the prior amendment to the specification was not "accepted as errors still exist". A new amendment to the specification is submitted herein which hopefully corrects all errors identified by the Examiner, as well as replacement sheets for Figs. 3 and 4 to correct errors in the drawings noted by the Examiner.

Claims 1, 6-9 and 12-14 were rejected as being indefinite on the grounds that the claims call for flat members whereas the specification refers to the flat members as platforms. The claims have been amended to use language identical to that in the specification as the Examiner seems to require. With regard to reciting apertures "twice" in claim 1, the language has been changed to remove what the Examiner perceives to be an ambiguity.

Claims 9 and 12-13 have been rejected as being anticipated by the newly cited reference Kitsee 800,655.

Claims 1 and 6-8 were rejected as being unpatentable over the newly cited reference to Fahy 6,256,952 in view of Zielinski 5,930,974.

Claims 1, 6-7, 9 and 12-13 were rejected as being unpatentable over Zielinski.

Kitsee discloses a floor structure in which a sheet of metal is placed on a horizontal floor and tiles are placed on said sheet of metal. Tabs extending up from the sheet of metal (see Fig. 6) engage the tiles to hold them in place (col. 2, lines 70-80). In the present invention, the platforms are above and spaced from the floor tiles and hence, are not in contact with the floor tiles. Claim 9 has been amended to make that perfectly clearer. The Examiner's statement that spaces between the tiles ("having spaces therebetween") is related to intended use "and is given little patentable weight" is not understood.

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Regardless of the function of the spaces, the claim recites them in a positive manner and the having of those spaces is an important feature of the present invention not shown or suggested in this reference. The Examiner's statement that "The placement of the horizontal platform above and spaced from the tiles is related to an intended use and is given little patentable weight" is also not understood. It is an important aspect of the invention that the platforms not be in contact (ie, that is, above and spaced from) with the floor tiles so that walking on the platforms will not disturb the tiles underneath.

Fahy discloses a raised flooring system to allow cables to be run under the floor and give "ready access to the cables" (col. 1, lines 10-15). There are no spaced tiles on the sub-flooring suggested or taught in this reference.

Zielinski has a system similar to the present invention in that support members 2 are placed between freshly laid tiles to support boards or platforms 10 placed thereon to allow walking across the floor without disturbing the tiles. The present invention is different from this reference because the platforms employed in the present invention have apertures and screws are threaded through the apertures aligned with the spaces between the tiles. This configuration is not suggested or taught in Zielinski and is a very different way of accomplishing a similar result.

The idea of the Examiner that it would be obvious to place tiles on the subflooring in Fahy is not understood because of a lack of motivation for doing this. The flooring in Fahy is a permanent flooring (as permanent as any flooring can be) so why would one want to put spaced tiles under such a flooring, especially without grouting between the tiles. In the present invention, the platforms are temporary which is why the tiles have spaces between them. After the platforms are removed, the spaces between the tiles are filled with grouting material. There is no such possibility in Fahy so arguing that it would be obvious to use the tiles of Zielinski in Fahy appears to defy logic.

With regard to the rejection of claims 1, 6, 7, 9, and 12-13 on Zielinski, the Examiner's position that "The tile protector platform assembly of Zielinsky is functionally

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equivalent to a platform having threaded apertures to receive a plurality of threaded, downwardly extending posts" as an argument for rejecting the claims is not understood. Is the patentee trying to do the same thing as Applicant? The undersigned believes that could be the case. The Applicant, however, accomplishes his intended goal in a very different way, presumably in a more efficient and practical manner. That is what innovation and patent law are all about, getting maybe the same things done but in an improved and more efficient manner. The claims are drawn to the features of this invention for accomplishing a similar result perhaps as Zielinski, but differently. The Examiner's position as stated above is not believed to be grounded in case law or Patent Office policy.

Jureit was cited for the use of a friction coating on the platforms.

During the interview, the Examiner suggested some language changes in the claims which are adopted in this amendment.

For the reasons given above, the claims as amended are believed to clearly distinguish over the cited art and should be allowed.

The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



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